

JANUARY 29, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

08 C 623

Lawrence J. Koncelik, Jr.

Plaintiff,

v.

Jarden Corporation.

Defendant.

Civil Action No.

Judge:

Jury Trial Demanded

JUDGE BUCKLO
MAGISTRATE JUDGE NOLAN**COMPLAINT FOR PATENT INFRINGEMENT AND DAMAGES**

1. This is an action for patent infringement pursuant to 35 U.S.C. §§ 1 *et seq.*
2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, 1338(a).
3. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. §§ 1400(b).
4. Plaintiff, Lawrence J. Koncelik, Jr. (hereinafter "Koncelik") is a New York citizen having an address of 37 Mile Hill Road, East Hampton, NY 11937.
5. On information and belief, Defendant Jarden Corporation, d/b/a Mr. Coffee (hereinafter "Jarden") is a New York corporation, and its principal place of business is believed to be located at 555 Theodore Fremd Avenue, Suite B-302, Rye, NY 10580.
6. On August 29, 2006, United States Patent No. 7,096,776 (hereinafter "the '776 Patent") entitled Display Device for Beverage Pitcher or Coffee Machine was duly and legally issued to Koncelik. A copy of the '776 Patent is attached hereto as Exhibit A.
7. On information and belief, Jarden distributes and/or sells the Mr. Coffee "ISTX85," "FIX," "ISS," and "ISX" model coffee makers (collectively "the Infringing Products").

8. On information and belief, Jarden has offered for sale and has sold the Infringing Products in this District.
9. During Koncelik's development of his coffee maker and indicator system, Koncelik filed several patent applications covering certain technology relating to the indicator systems used with coffee makers. Some of those concepts are covered by the '776 Patent.
10. On information and belief, all of the Infringing Products, and potentially other Jarden products, infringe the '776 Patent.
11. Defendant, through its sales of the Infringing Products and other conduct, is directly infringing, inducing others to infringe, and contributing to infringement of the '776 Patent in violation of 35 U.S.C. § 271.
12. As a result of previous discussions with Koncelik and counsel for Koncelik, Defendant has had actual knowledge of the '776 Patent and despite such knowledge, has continued to engage in acts of infringement of the '776 Patent.
13. The Defendant's infringing activities have damaged and continue to damage Koncelik.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Koncelik prays for relief against Defendant Jarden:

- A. That the '776 Patent be adjudged infringed by the Defendant and that infringement be held willful;
- B. That Koncelik be awarded compensatory damages for past, present, and future infringement of the '776 Patent by Defendant in an amount no less than a reasonable royalty, in a sum to be determined at trial, and that said damages be trebled in view of the willful and deliberate nature of the infringement;

- C. That Defendant, and any officers, agents, servants, employees, attorneys, and any other person in active concert or participation with Defendant be preliminarily and permanently enjoined from further infringement of the '776 Patent;
- D. That Defendant be ordered to deliver to Koncelik all Infringing Products and systems in its possession;
- E. That this case be declared an exceptional case under 35 U.S.C. § 285 as to Jarden and that Koncelik be awarded attorneys fees incurred in this action;
- F. That Koncelik be awarded costs of this action, any applicable interest on the award, and other charges to the maximum extent permitted; and
- G. For such further relief that the Court deems just and proper under the circumstances.

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

Lawrence J. Koncelik, Jr., Plaintiff,

Date: January 18, 2008

/s/Christopher E. Haigh

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